



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/545,875	04/07/2000	Avram Glazer	032592-003	2172

7590 03/08/2005

James A LaBarre
Burns Doane Swecker & Mathis LLP
P O Box 1404
Alexandria, VA 22313-1404

EXAMINER

FISCHETTI, JOSEPH A

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/545,875

Applicant(s)

GLAZER, AVRAM

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 44-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 44-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14,44-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant discloses on page 5 lines 16-19 that "entering a particular address" causes the interface to occur. However, claim 1 recites that the communication device interfaces with both servers.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Wolfe. Wolfe '131 disclose a method for providing multiple types of content for users of the Internet, comprising the steps of:

storing at least one file on at least one file server that provides Internet users with access to a plurality of different types of information and services (supplemental information 954 at the " server 906 Fig. 5 read as different types of information located

Art Unit: 3627

on file server (database of servers which locate the supplemental information col. 6 line 57, 58.);

establishing a connection between said file and at least one web page (web page read as document sent from web server 904 line 922 e.g. HUNAN TASTE server web page see Fig 32) and (see col. 6 lines 46-55, information sent to computer 906 included the identity of the page at 902) that is displayed at an Internet web site stored on a second server; and

causing at least some of the contents of said file to appear within a banner (side by side window 320 is read as banner or see Fig. 33 for banner of "Oriental Specialties" within Hunan web site) displayed within the web page at a communications device (computer 902) whenever the communications device, interfaced with the file server and the second server, downloads said page for display (reference server 906 responds by placing supplemental information when Hunan Taste sever is accessed leading to the interfacing of the data files controlled by the reference server 906.

Claim 44, see data line 924.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 44-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolfe '131 in view of Davis.

Wolf reads on base claim 1 as set forth above, but is silent in the banner 320 having a menu feature. However, Davis at col. 14 lines 16-57 discloses a banner having a menu feature. It would be obvious to modify the methods of Wolfe to include such a menu feature because the motivation would be to give the user more information on a single page. RE claims 2-14, 44-46, since Davis discloses a menu with different types of interests this is read as meeting the limitations of plural topics, displays individual headlines associated with a selected category, community service Col. 14 line 49 links are discloses in the menu, whether the link connects one or more sites is a mere repetition of parts. Furthermore, the use of links is read as a tag in Davis. Official notice is taken with respect to the old and notorious use of scrolling, a search function linking to products on a manufactures site and graphic manuals, as well as the feature of the headlines being stored in a file that is downloaded to a user's site when the user selects the category associated with the headlines.

Re claims 6, 7,8: the Oriental Specialties contents is read as a headline in Wolfe.

The official Notice taken is evidenced by Getchius et al. as follows:

claims 2,3,4: said banner provides access to a plurality of different categories of informational content See Fig. 9 lower menu, accounts, advertising etc.

Claim 5: see fig. 13 scrolling arrow for state selection which can obviously used to select headlines.

claim 9, 10: Fig. 13 search capability is shown at 1806 and dialog at *citylink*.

claim 11: Fig. 15 product lines made available by product consumer guide.

claim 13: internet access provided at Fig. 15.

claims 14, 44, 45, 48: Fig. 16 configurability provide as create your site.

claims 47, 50: Fig. 13 the additional file is read as the *state farm insurance* icon which generates a connection is between the additional file and an additional web page that is displayed on a second Internet website (GTE page) which is leasable to *state farm*.

claim 49: business related to shoes reads on contents are modified

on the file server by at least one of the communications device and the second server to display only categories that are of interest to a user.

The recitation of configurable is read as met by the user selecting a portion of the menu and using it and thus has configured the menu for his /her use.

Applicant's arguments filed 11/18/04 have been fully considered but they are not persuasive. Applicant argues that Wolfe does not read on claim 1. However, the examiner finds that the disclosure of Wolfe reads on claim 1. The best place to understand how Wolfe reads on claim 1 is to refer to Figs. 31 and 32. In Fig. 31, a web page is loaded from the Hunan Taste server 904. The file server is read as the reference server 906 which controls access to supplemental data such as interfaced in Fig. 32 by the banner the Oriental Specialties contents. The banner is read as the contents box 3305 in Fig. 32. The banner 3305 is caused to appear on the Hunan Taste web page whenever the communication device 902 interfaces with servers 906

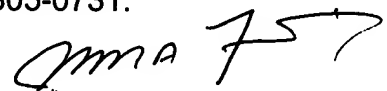
and 904 as a result of reference server 906 finding supplemental data which is to appear on web page Hunan taste server 904. Thus, the term "whenever" does cover the case where there is supplemental data accessed by server 906 and thus it reads on claim 1.

Regarding the 112 second rejection, it is still unclear whether interfacing occurs through access first through the second server and ultimately to the second server. It is the examiner's position that both servers cannot be access simultaneously as the examiner interprets the claim to read.

Applicant has challenged the official notice taken regarding to some dependent claim features, and the examiner has herein provided references substantiated same.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to PRIMARY EXAMINER Joseph A. Fischetti at telephone number (703) 305-0731.

A handwritten signature in black ink, appearing to read "J A Fischetti", is located at the bottom right of the page.